REMARKS

Responsive to the Office Action mailed June 16, 2005, Applicant respectfully requests reconsideration. To further the prosecution of this application, claim 2 has been amended. As a result, claims 1-23 are pending for examination with claims 1, 10, 15, and 20 being independent claims. No new matter has been added. The amendment and remarks are believed to clearly place this application in allowable condition.

35 U.S.C. §112 Rejections

In the Office Action, claims 1, 15 and 20 were rejected under 35 U.S.C. §112, first paragraph, as being based on a disclosure which is not enabling. Specifically, the Examiner contends that steps critical or essential to the practice of the invention were not included in the claims. Applicant respectfully traverses these rejections.

Regarding Claims 1, 15, and 20

The Office Action asserts that claims 1, 15, and 20 do not contain all steps necessary to construct an N-Ary tree from a service discovery stream. Applicant respectfully disagrees. The Office Action appears to imply that a constructed N-Ary tree must necessarily have one-to-one correspondence to the service discovery stream. While this is likely to be common in practice, Applicant neither intends nor discloses such a limitation. One skilled in the art will recognize that a data structure containing only one node corresponding to a node of the service discovery stream may still be properly referred to as an N-Ary tree. Thus claims 1, 15, and 20 do in fact disclose the creation of an N-Ary tree from a service discovery stream. The one-to-one correspondence between the resulting N-Ary tree and the service discovery stream implied by the Office Action and described in the specification can be achieved by adding further steps in dependent claims. Accordingly, the rejections to claims 1, 15 and 20 under 35 U.S.C. §112, first paragraph should be withdrawn.

Regarding Claim 2

Claim 2 is rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description. The Examiner contends that the claim 2 includes subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that

the inventor's at the time the application was filed, had possession of the claimed invention. Accordingly, without acceding to the correctness of this rejection, claim 2 has been amended to recite: "ensuring the service discovery stream is well formed" rather than "verifying the service discovery stream." Claim 2 as amended clearly is described in the specification at page 3, lines 18-20 and page 9, lines 6-8. Accordingly, claim 2 as amended, complies with 35 U.S.C. §112, first paragraph. Therefore, the rejection to claim 2 under this section should be withdrawn.

35 U.S.C. §103 Rejections

Claims 1-7, 10-11, 15-16 and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of Pettus. The Examiner contends that King teaches most of the elements of claim 1 and that Pettus discloses the concept for a discovery stream having data structures encoded within to represent an available service on an enabled device. The Examiner further contends that it would have been obvious to incorporate King's system for storage and retrieval of diverse information and Pettus' discovery service system. Applicant respectfully traverses this rejection.

Regarding Claim 1

On page 3, the Office Action argues that King discloses (emphasis added) "...each node having a data element, a *data type* and a data size..." Applicant respectfully disagrees. In Fig. 2 and in Table 1 (col. 8, lines 12-31) of King, a detailed description of a DynArray is given. A DynArray is described as "the fundamental basis of the persistent storage model" (col. 7, lines 63-67). Though the node type is disclosed (either branch or leaf), no mention is made of the data type of the data stored in the data field. Thus, King teaches no explicit way to determine the data type (such as unsigned integer, signed integer, boolean, text string, etc.) being stored in the DynArray. As a result, King fails to disclose a way to accomplish the first element of claim 1 which states (emphasis added) "retrieving the *data type* and the data size of one of the nodes from the service discovery stream."

Additionally, Pettus in no way discloses a service discovery stream as described in the present invention or "retrieving the data type and the data size of one of the nodes from the service discovery stream." Thus, even without addressing whether one skilled in the art would be motivated to combine King and Pettus, it is asserted that the combination of the two does not

disclose claim 1 of the present invention. Therefore, the 35 U.S.C. §103(a) rejection against this claim is unjustified and Applicant respectfully requests that this rejection be withdrawn.

Regarding Claims 2-7

Because claims 2-7 are dependent claims to claim 1, the above arguments for the withdrawal of the rejection of claim 1 hold for these claims as well. Thus, the withdrawal of the rejection of claims 2-7 is respectfully requested.

Additionally, the Office Action states (page 4, item 7) that Pettus discloses "verifying the service discovery stream." With the amendment of claim 2 submitted herein, claim 2 now reads "ensuring the service discovery stream is well-formed" which is also not disclosed by Pettus.

Regarding Claim 8-9

Without conceding or addressing the properness of combining King and Housel, because claims 8-9 are dependent claims to claim 1, Applicant notes the above arguments for the withdrawal of the rejection of claim 1 hold for these claims as well. Thus, because neither King nor Housel, independently or together, discloses a service discovery stream or the first element of claim 1, the withdrawal of the rejection of claims 8-9 is respectfully requested.

Regarding Claims 10, 15, and 20

As the Office Action noted (page 7), the language of these claims is substantially the same as claim 1. Thus, the arguments for withdrawing the rejection to claim 1 also apply to these claims by the same rationale. It is therefore respectfully requested that the rejections of claims 10, 15, and 20 be withdrawn.
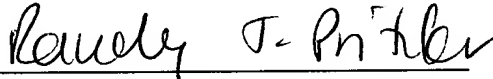
Regarding Claims 11-14, 15-19, and 21-23

Because these claims are all dependent claims to claims 10, 15, and 20, and as stated by the Office Action (page 7) these claims are rejected on substantially the same grounds as claims 1-6, it is respectfully requested that the rejections of these claims also be withdrawn.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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